IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY SECOND DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT
THE HON'BLE MR JUSTICE BILAL NAZKI
and
THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 16999 of 2004

Between:

M/s. Southern Agencies, Rajahmundry, rep by General Manager, Sri M. Ramachandra Rao

..... PETITIONER

AND

1 The Addl. Commissioner of Commercial Taxes (Legal)(FAC)-cum-Jt. Commissioner (CT), O/o The Commissioner (CT) Commercial taxes Comples,
Station Road, Nampally, Hyderabad.
2 The Appellate Dy. Commissioner of Commercial Taxes, Visakhapatnam.
3 The Commercial Tax Officer, Rajahmundry.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, order or direction, particularly one in the nature of Writ of Mandamus, declaring the action of the 1st respondent in rejecting the Revision (Stay) Application in his CCT's Ref. No. L.V (3)/2339/2004, dt 8-9-2004 (Served on the petitioner on 16-9-2004 for the assessment year 2002-03(APGST) as illegal, arbitrary and unconstitutional besides being violative of the Principles of natural justice.

Counsel for the Petitioner : MR.A.K.JAISWAL

Counsel for the Respondents : SPL GP FOR TAXES

The Court at the admission stage, made the following :

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ORDER : (per Sri Bilal Nazki, J)

Heard learned Counsel for the parties. With their consent the Writ Petition is disposed of at this stage.

Pending appeal, the petitioner filed an application seeking stay of the recovery, which has been declined. It is submitted that out of the disputed tax liability, the petitioner has already deposited some amounts. Therefore in the interest of justice, we direct that there shall be stay of recovery till disposal of appeal, subject to deposit of half of the total liability minus the amounts if any, already deposited by the petitioner, within a period of six weeks from today. For six weeks, there shall be an unconditional stay and the stay shall continue till disposal of the appeal, provided the amount is deposited within six weeks. The deposit of amount shall be without prejudice to the rights of the petitioner in the appeal.

Writ Petition is accordingly disposed of. No costs.

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(BILAL NAZKI, J)

22nd September, 2004.

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(S.ANANDA REDDY, J)

N.B:-
Wire at party's cost.
(B/o)
ajr

To
1 The Addl. Commissioner of Commercial Taxes (Legal)(FAC)-cum-Jt. Commissioner (CT), O/o The Commissioner (CT) Commercial taxes Comples,
Station Road, Nampally, Hyderabad.
2 The Appellate Dy. Commissioner of Commercial Taxes, Visakhapatnam.
3 The Commercial Tax Officer, Rajahmundry.
4 Two C.Cs. to the Special G.P. for Taxes, High Court Buildings, Hyderabad (O.U.T).
5 Two C.D. copies.